

IDAHO BOARD OF COSMETOLOGY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 6/3/2013

BOARD MEMBERS PRESENT: Mary Lambert - Chair
Bonnie D. Sermon
Linda Swope
Debra J Hummel
Merrilyn Cleland

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Roger Hales, Legal Counsel
Eric Nelson, Legal Counsel
Jean Uranga, Legal Counsel
Kim Aksamit, Technical Records Specialist I

OTHERS PRESENT: Lisa Bowen, Laurie Rowen, Tyler Price, Ty Walker,
Ryan Evans, Amanda Tippetts, Tyler Price,
Kristine Dye, Ronda Clark, Devri Flint, Teresa Buchanan,
Krissy Ivie, Christie Gannon, Jessica Clark,
Amy Vandervoot, Robyn Anderson, Amber, Eggleston,
and Larry Benton.

The meeting was called to order at 8:30 AM MDT by Mary Lambert.

APPROVAL OF MINUTES

A motion was made by Ms. Hummel to accept the minutes from February 4, 2012 with corrections, and May 6, 2013. It was seconded by Ms. Swope. Motion carried.

LEGISLATIVE REPORT

Ms. Cory presented the legislative update to the members of the Board. Ms. Cory told the Board that the new Rules went into effect on March 27, 2013. She said any proposed law changes needed to be in by the first of August and proposed rule changes need to be submitted by the third week of August for the 2014 session.

A motion was made by Ms. Hummel to add correspondence to the agenda under new business because an e-mail was received over the weekend. It was seconded by Ms. Swope. Motion carried.

FINANCIAL REPORT

Ms. Hall gave the financial report. This report is available on the website. As of 05/31/2013, the Board has \$451,242.30, in expenditures with a cash balance of \$1,689,908.75.

MEMORANDUM

Ms. Uranga, Board Prosecutor, presented to the Board a Memorandum.

COS-2013-80, COS-2013-81 AND COS-2013-82

After review, the Board presented its recommendations to its prosecuting attorney.

MEMORANDUM

Eric Nelson, Board Prosecutor, presented to the Board a Memorandum and several Consent Orders.

COS-2013-59, COS-2013-2, COS-20-1, COS-2013-44, COS-2013-45/46, AND COS-2013-69

After review, the Board presented its recommendations to its prosecuting attorney.

CONSENT ORDERS

Ms. Farrow addressed the Board regarding COS-2012-34/35.

A motion was made by Ms. Swope to reject the stipulation for COS-2012-34/35. It was seconded by Ms. Sermon. Motion carried.

Ms. Hemmer addressed the Board regarding COS-2012-123/124.

A motion was made by Ms. Hummel to reject the stipulation for COS-2012-123/124. It was seconded by Ms. Cleland. Motion carried.

COS-2012-3 & 4/2013-64 A motion was made by Ms. Cleland to accept the Stipulation and Consent Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Swope. Motion carried.

Ms. Swope recused herself on COS-2011-198/199.

COS-2011-198/199 A motion was made by Ms. Hummel to accept the Stipulation and Consent Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Sermon. Motion carried.

COS-2011-142/143, COS-2011-150, COS-2011-155, COS-2011-164/165, COS-2011-174, COS-2012-24/25, COS-2012-38/40, COS-2012-68, COS-2012-71/72, COS-2012-102/103, COS-2012-112, COS-2012-114/115, COS-2012-127/128, COS-2012-133/134, AND COS-2013-10/11

A motion was made by Ms. Hummel to accept the Stipulation and Consent Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

FINAL ORDERS

COS-2011-170/171 A motion was made by Ms. Sermon to approve the Findings of Facts, Conclusions of Law and Final Order and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Hummel. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report which is linked above.

FOR BOARD DETERMINATION

I-COS-2012-113 and I-COS-2012-114, I-COS-2013-9, I-COS-2013-31, I-COS-2013-74, I-COS-2013-81, I-COS-2013-100 and I-COS-2013-105, I-COS-2013-106, I-COS-2013-118, I-COS-2013-130, I-COS-2013-131 AND I-COS-2013-132

A motion was made by Ms. Swope to accept the recommendations of the Bureau to authorize closure. It was seconded by Ms. Sermon. Motion carried.

DISCIPLINARY ACTION

Ms. Peel presented to the Board several Settlement Orders:

COS-2013-22/23, COS-2013-42, COS-2013-72, COS-2013-73, COS-2013-83/84, AND COS-2013-85/86

A motion was made by Ms. Hummel to accept the Settlement Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

MEMORANDUM

COS-2013-74 & COS-2013-75, COS-2013-87 & COS-2013-88,

The Board gave the Bureau guidance to pursue a Notice of Violation and Settlement Order under the fines as set out in the Board's rules.

REPORTS FROM ECHO LUNDEBERG

The Board reviewed reports submitted by Echo Lundeborg.

REQUEST FOR WAIVER OF COSTS/FEES

COS-2013-62/63 A motion was made by Ms. Hummel to deny the request. It was seconded by Ms. Cleland. Motion carried.

REQUEST FOR PAYMENT EXTENSION

COS-2013-2011-75 A motion was made by Ms. Sermon to approve the payment plan. It was seconded by Ms. Cleland. Motion carried.

OLD BUSINESS

REPORT FROM SUBCOMMITTEE

Mr. Hales addressed the Board regarding the changes to the laws and rules that were discussed with the subcommittee.

A motion was made by Ms. Cleland to having the subcommittee continue to look at eyelash extensions, contiguous license, haircutter's license, and instructor's education. It was seconded by Ms. Hummel. Motion carried.

A motion was made by Ms. Hummel to add jurisprudence testing, fee reduction, sanitary rules, and changing clinical to chemical to the short term list. It was seconded by Ms. Sermon. Motion carried.

The subcommittee will meet on the short term items and bring back a recommendation for the Board for the 2014 session.

BOARD NEWSLETTER

Ms. Cleland addressed the Board regarding the Board newsletter. Discussion was held. Ms. Cleland will send a new draft to the Bureau. It will be on the July agenda.

NEW BUSINESS

Ms. Cory discussed a letter received over the weekend. It was reviewed by the Board. No action was taken.

Based on House Bill 162, Mr. Benton requested the Board provide some type of documentation to the cosmetology schools stating they are a post-secondary school. A certificate would be fine.

A motion was made by Ms. Hummel to draft a letter and certificate to be sent to each school regarding post-secondary education and to allow the Board Chair to review it on behalf of the Board. It was seconded by Ms. Swope. Motion carried.

PUBLIC COMMENT

Ms. Sword addressed the Board regarding her concerns with contiguous licenses. The Board has this on its long term list of items for the subcommittee to review .

SANITATION

Ms. Peel discussed with the Board what type of issues there are with sanitation during inspections. No action taken.

EXAMINATION

A motion was made by Ms. Swope to invite DL Roope to the October meeting to discuss the content of the exam. It was seconded by Ms. Cleland. Motion carried.

NIC ANNUAL CONFERENCE

A motion was made by Ms. Swope for the Board to attend the National Interstate Council of State Boards of Cosmetology 2013 Annual Conference (NIC) in Denver, CO and to cover all expenses including, hotel, meals, shuttle, per diem, honorarium, one day of travel and to allow an investigator and Bureau staff to attend. Seconded by Ms. Hummel, motion carried.

A motion was made by Ms. Hummel to pay the membership dues to NIC. Seconded by Ms. Swope, motion carried.

EXECUTIVE SESSION

A motion was made by Ms. Hummel to go into executive session per Idaho Code 67-2345 (1) (d), to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to discuss licensure applications. It was seconded by Ms. Swope. Motion carried. The vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Sermon to come out of executive session. It was seconded by Ms. Cleland. Motion carried. The vote was: Ms. Swope, aye; Ms. Hummel, Ms. Cleland, aye; Ms. Sermon, aye; and Ms. Lambert, aye.

APPLICATIONS FOR SCHOOL LICENSE

A motion was made by Ms. Hummel to accept the application for Austin Kade Academy in Pocatello and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Sermon to accept the application for Aveda Institute of Boise and issue a license. It was seconded by Ms. Hummel. Motion carried.

A motion was made by Ms. Swope to hold the application for applicant 901055288 pending a final inspection. It was seconded by Ms. Hummel. Motion carried.

APPLICATIONS FOR LICENSE

A motion was made by Ms. Sermon to have Alicia Snarr take the full examination and issue a license once the examination has been successfully passed. It was seconded by Ms. Sermon. Motion carried.

A motion was made by Ms. Cleland to accept the application for Trina Wood and issue a license. It was seconded by Ms. Swope. Motion carried.

A motion was made by Ms. Hummel to accept the application for Kimberly Greene and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Cleland to accept the application for Kelly Blakley and issue a license. It was seconded by Ms. Sermon. Motion carried.

A motion was made by Ms. Hummel to accept the application for Heather Fleek and issue a license once we have received her hours from the school. It was seconded by Ms. Sermon. Motion carried.

A motion was made by Ms. Cleland to accept the application for Laura Burden and issue a license once we have received her hours from the school. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Hummel to accept the application for Jacqueline Stockwell and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Cleland to accept the application for Hong Cam Doan and issue a license. It was seconded by Ms. Sermon. Motion carried.

A motion was made by Ms. Cleland to accept the application for Nguyet Vo and issue a license. It was seconded by Ms. Sermon. Motion carried.

A motion was made by Ms. Hummel to put the application for applicant 901126103 into pending until the monthly records of instruction are received and reviewed by the Board. It was seconded by Ms. Swope. Motion carried.

APPRENTICESHIPS

A motion was made by Ms. Sermon to accept the apprenticeship application for Thao Vo at Glamour Nails. It was seconded by Ms. Swope. Motion carried.

A motion was made by Ms. Sermon to accept the apprenticeship application for Kim Paris at Rosy Nail. It was seconded by Ms. Swope. Motion carried.

A motion was made by Ms. Sermon to accept the apprenticeship application for Mae Jarvis and Maria Del Carmen Cuna Calder at Allay Spa. It was seconded by Ms. Swope. Motion carried.

A motion was made by Ms. Sermon to hold the application for applicant 901126805 until the required age of 16 ½ years is reached. It was seconded by Ms. Swope. Motion carried.

NEXT MEETING

The Board scheduled its next meeting for October 7, 2013 at 8:30 AM MDT at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

ADJOURN

A motion was made by Ms. Sermon to adjourn the meeting at 1:30 PM MDT. Seconded by Ms. Sermon, motion carried.

Mary Lambert, Chair

Bonnie D. Sermon

Linda Swope

Debra J Hummel

Merrilyn Cleland

Tana Cory, Bureau Chief